

**City of West St. Paul
City Council Meeting Minutes
March 12, 2018 at 6:30 p.m.**

1. Call to Order

Mayor Halverson called the meeting to order at 6:30 p.m.

2. Roll Call

Present: Mayor Halverson
Councilmembers Anthony Fernandez, Ed Iago, Dave Napier,
and Dick Vitelli

Absent: Councilmembers John Bellows and Bob Pace (excused absences)

Others Present: City Manager Ryan Schroeder
Police Chief Manila Shaver
City Attorney Kori Land
Assistant City Manager Sherrie Le
Parks & Public Works Director/City Engineer Ross Beckwith
Community Development Director Jim Hartshorn
Assistant Community Development Director Ben Boike
Finance Director Char Stark
Volunteer Engagement Manager Diane Erickson
City Clerk Shirley Buecksler

3. Pledge of Allegiance

4. Adopt the Agenda

Motion was made by Councilmember Vitelli and seconded by Councilmember Iago to pull the Regular City Council Minutes of February 12, 2018 from Item 9A and approve the agenda, as amended.

All members present voted aye. Motion carried.

5. OCWS Briefing

Mayor Halverson stated that the Council held a Work Session prior to the regular meeting to discuss the following:

- Closed Session Pursuant to Minn. Stat. Section 13D.05 Subd. 3(b) for Attorney-Client Privileged Communication Related to the Robert Street Easement Acquisitions and Mailand Litigation
- Zoning Amendment Request for 963 Robert Street
- Sanitary Sewer Connection Requirement

- Special Assessment Policy
- Fee Schedule
- Marthaler Park Master Plan Update

6. Citizen Comments

Ron Josephs, 1080 Felix Street, addressed the Council regarding the closing of the Thompson Oaks golf course, the project cost of and issues with Robert Street reconstruction, the ISD 197 Election on May 8, 2018, the safety of the Butler Avenue and Robert Street area, as well as the dome, Harmon Field, and bike trails in the City.

Jim McKie, 222 Curtice Street West, addressed the Council to thank them for the nice comments regarding the memorial for Frances Nelson. He also spoke regarding a bill currently in the legislature on gun legislation and the inspection that may be required.

7. Council Comments

Councilmember Vitelli said he would have voted in support of closing the Thompson Oaks golf course, if he were in attendance at the February 26th Council meeting.

Councilmember Iago thanked the Public Works Department and the plow drivers who do an outstanding job moving snow.

Councilmember Iago also spoke regarding school violence and said the West St. Paul Police Department has plans in place and is on top of the situation.

Councilmember Iago congratulated Fire Chief Mike Pott for 32 years with West St. Paul and the South Metro Fire Department.

Mayor Halverson said she would have supported closure of the Thompson Oaks golf course, if she were in attendance at the February 26th Council meeting.

Mayor Halverson reminded everyone that the food drive is still going on and benefits Neighbors, Inc.

Councilmember Napier said the West St. Paul Ice Arena will be host to the SG3 Memorial Hockey Tournament on April 7th and 8th. There will be 4-on-4 competitive hockey, skills competition, silent auction and more. Funds raised will benefit the SG3 Foundation that will award youth and junior hockey scholarships.

Councilmember Fernandez said the City will host neighborhood Town Hall meetings on March 15th from 3:00 p.m. to 5:00 p.m. and also from 6:00 p.m. to 8:00 p.m. at Evolve Workplace, located at 260 Wentworth Avenue.

8. Proclamations, Presentations and Recognitions

A. Volunteer Program Annual Report Presentation

Diane Erickson, Volunteer Engagement Manager, discussed the City's volunteer program and annual report.

Mayor Halverson congratulated Ms. Erickson for being the recipient of the Inver Hills Community College "2018 Presidents' Community Partner Award" for her commitment to civic responsibility and leadership.

The Council thanked Ms. Erickson for her work with the volunteer program.

Mayor Halverson also thanked Boy Scout Troop 248 for their attendance at tonight's City Council meeting.

9. Consent Agenda

Motion was made by Councilmember Vitelli and seconded by Councilmember Napier to pull Item 9A – Regular Council Meeting Minutes of February 26, 2018 and resolved that the West St. Paul City Council does hereby approve the following:

A. Previous Meeting Minutes:

- Open Council Work Session Minutes of February 26, 2018
- City Council Meeting Minutes of February 26, 2018 – **Item Pulled**
- Special City Council Meeting Minutes of March 8, 2018

B. Financial Information for January 2018

C. List of Accounts Payable Claims for March 12, 2018

D. Rental Licensing

E. Resolution No. 18-32, Appointing Public Member to the South Metro Fire Department Board – Dennis Wippermann

F. Resolution No. 18-33, Approving the Execution of an Agreement with the Minnesota Department of Human Services

G. Change to Metropolitan Council Park and Ride Contract

H. Resolution No. 18-35, Approving an Agreement Between Mendota Heights, St. Paul, West St. Paul, and the Lower Mississippi Watershed Management Organization (LMRWMO) Regarding the Erosion Stabilization of the Cherokee Heights Upper Ravine and Installation of Two Hydrodynamic Separator Stormwater Treatment Devices

I. Resolution No. 18-34, Denying Motion to Stay Enforcement of Resolution 17-80 – 1492 Charlton Street

All members present voted aye. Motion carried.

10. Public Hearing

A. Final Reading – Ordinance Amending West St. Paul Ordinance Section 72.05 Regarding General Parking Restrictions

Hartshorn provided an overview of the ordinance amendment and answered questions from the Council.

Mayor Halverson opened the Public Hearing at 7:01 p.m.

Seeing no one wishing to speak, Mayor Halverson closed the Public Hearing at 7:01 p.m.

Motion was made by Councilmember Napier and seconded by Councilmember Iago to approve Ordinance No. 18-06, An Ordinance Amending West St. Paul City Ordinance Section 72.05 Regarding General Parking Restrictions.

All members present voted aye. Motion carried.

B. Final Reading – Ordinance Amending West St. Paul City Ordinance Section 94.18 Regarding Unsheltered Storage, Junk, and Inoperable or Abandoned Motor Vehicles

Hartshorn provided an overview of the ordinance amendment and answered questions from the Council.

Mayor Halverson opened the Public Hearing at 7:05 p.m.

Seeing no one wishing to speak, Mayor Halverson closed the Public Hearing at 7:05 p.m.

Motion was made by Councilmember Vitelli and seconded by Councilmember Iago to approve Ordinance No. 18-07, An Ordinance Amending West St. Paul City Ordinance Section 94.18 Regarding Unsheltered Storage, Junk, and Inoperable or Abandoned Motor Vehicles.

All members present voted aye. Motion carried.

C. Final Reading – Ordinance Amending Section 97 of the West St. Paul City Code Regarding Predatory Offenders

City Attorney Land provided an overview of the ordinance amendment and answered questions from the Council.

Mayor Halverson opened the Public Hearing at 7:08 p.m.

Seeing no one wishing to speak, Mayor Halverson closed the Public Hearing at 7:08 p.m.

Motion was made by Councilmember Napier and seconded by Councilmember Vitelli to approve Ordinance No. 18-08, An Ordinance Amending Section 97 of the West St. Paul City Code Regarding Predatory Offenders.

All members present voted aye. Motion carried.

11. New Business

A. Award Bid for 2018 Street Improvements Project 18-1

Beckwith said that bids for the 2018 Street Improvements Project were advertised, opened and read aloud on Thursday, February 22, 2018. Six bids were submitted, and the lowest bidder was McNamara Contracting, Inc. out of Rosemount, Minnesota, with a total bid amount of \$3,005,980.55. McNamara has successfully completed similar projects for many years in the metro area.

Motion was made by Councilmember Vitelli and seconded by Councilmember Iago to adopt Resolution No. 18-36, Award Bid for 2018 Street Improvements Project 18-1, and awarded the bid to McNamara Contracting, Inc.

All members present voted aye. Motion carried.

B. First Reading – City Code Amendment, Section 34.07, Regarding the Electric Utility Tax

Stark introduced the following proposed ordinance for its first reading:

“An Ordinance Amending Section 34.07 of the West St. Paul City Code Regarding the Electric Utility Tax.”

Motion was made by Councilmember Vitelli and seconded by Councilmember Napier to approve the first reading and call for a second reading of the ordinance to be held at a Public Hearing at the City Council meeting on March 26, 2018.

All members present voted aye. Motion carried.

Mayor Halverson asked Boy Scout Troop 248 to come to the podium with any questions they may have on the City Council process or any items that were discussed at tonight's Council meeting.

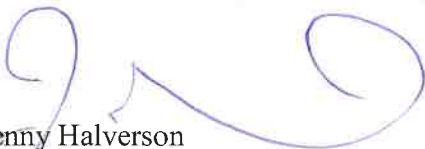
One Scout addressed the Council and asked about the policy on unsheltered storage and how the ordinance was created. Hartshorn responded that the City receives complaints from neighbors, after which letters and warnings are issued to the owner. The ordinance was created to prohibit unsheltered storage of items in the yard and alleviate Staff time spent on these issues, as well as cutting down on the number of complaint calls received by the City.

Mayor Halverson added that decisions made by the City Council often have an effect on residents and their daily life.

12. Adjourn

Motion was made by Councilmember Iago and seconded by Councilmember Napier to adjourn the meeting at 7:20 p.m.

All members present voted aye. Motion carried.



Jenny Halverson
Mayor
City of West St. Paul

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 18-32

**RESOLUTION APPOINTING PUBLIC MEMBER TO THE
SOUTH METRO FIRE BOARD**

WHEREAS, the governing body of the South Metro Fire Department is made up of two members of each City Council of West St. Paul and South St. Paul and one Public Member; and

WHEREAS, the South Metro Fire Board ("Board") received one application for the Public Member; and

WHEREAS, pursuant to the Joint Powers Agreement, the Board approved the following name for consideration as the Public Member:

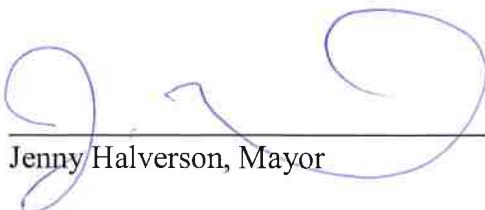
1. Dennis Wippermann

WHEREAS, the West St. Paul and South St. Paul City Councils must rank the nominees in order of preference, with one (1) being the highest. If a nominee receives the same ranking on each list, then that nominee shall be appointed.

NOW, THEREFORE, BE IT RESOLVED that the West St. Paul City Council ranks the nominee in the following order:

1. Dennis Wippermann

Adopted by the City Council of the City of West St. Paul, Minnesota, this 12th day of March 2018.



Jenny Halverson, Mayor

Attest:


Shirley R. Bueckler, City Clerk

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 18-33

**RESOLUTION APPROVING THE EXECUTION OF
AN AGREEMENT WITH THE
MINNESOTA DEPARTMENT OF HUMAN SERVICES**

BE IT RESOLVED that the City of West St. Paul will enter into a cooperative agreement with the Minnesota Department of Human Services;

WHEREAS, the City has a desire to assist licensed tobacco merchants in understanding and complying with their legal obligations in selling tobacco and tobacco-related products;

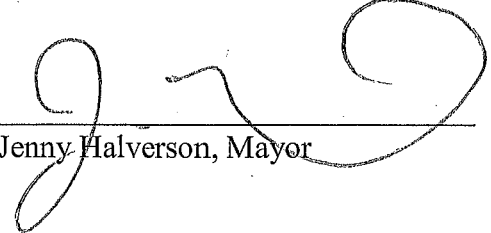
WHEREAS, the City has an interest in protecting its youth from the unlawful use and possession of tobacco and tobacco related products;

WHEREAS, the Minnesota Department of Human Services has a grant program to financially support communities to help educate tobacco merchants in their lawful responsibilities with regards to selling tobacco and tobacco-related products;

WHEREAS, the parties hereby agree to furnish assistance to each other upon the terms and conditions set forth in the grant agreement.

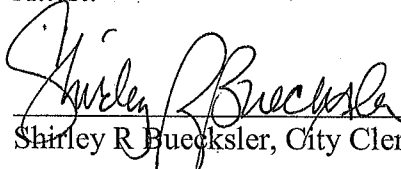
NOW, THEREFORE, BE IT RESOLVED by the West St. Paul City Council that City Manager Ryan Schroeder is hereby authorized to execute such agreements and amendments as are necessary to implement this agreement on behalf of the City of West St. Paul.

Adopted by the City Council of the City of West St. Paul, Minnesota, on this 12th day of March, 2018.



Jenny Halverson, Mayor

Attest:



Shirley R. Bueckler, City Clerk

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 18-34

**RESOLUTION DENYING MOTION
TO STAY ENFORCEMENT OF RESOLUTION 17-80**

WHEREAS, on September 25, 2017, the City Council ("Council") adopted Resolution 17-80 ("Revocation" or "Resolution"), which revoked the Rental License of Gregory Mailand and his property management company, Mailand Management Corporation (Gregory Mailand and Mailand Management Corporation are collectively referred to as "Mailand" or "Mailand Management") for 1492 Charlton Street, a 30-unit apartment building ("Property"); and

WHEREAS, the Council determined that the City would commence enforcement of the revocation on December 31, 2017; and

WHEREAS, on October 11, 2017, Mailand filed a Writ of Certiorari in the Minnesota Court of Appeals seeking reversal of Resolution 17-80, *Gregory Mailand and Mailand Management Corp. v. City of West St. Paul*, Case No. A17-1598 ("Appeal"); and

WHEREAS, Mailand did not seek a stay from the Council at the time it instituted the Appeal; and

WHEREAS, at its meeting on October 23, 2017, the Council heard from some tenants of the Property regarding the difficulties of moving to new housing, particularly during the school year, and from local housing rights advocates regarding the difficulty of finding housing for low-income individuals in the current rental market; and

WHEREAS, the Council voted to delay enforcement of the Revocation until July 1, 2018, to allow tenants sufficient time to seek new housing and to account for the difficulties of families moving during the school year; and

WHEREAS, on February 5, 2018, Mailand filed a Motion to Stay Resolution 17-80, with the Council, seeking a stay of the Revocation pending full and final outcome of the Appeal; and

WHEREAS, the Council received submissions from legal counsel for Mailand and the City which were provided to the Council in advance and were part of the City Council agenda packet and which constitute the written record before the Council; and

WHEREAS, a hearing was held by the Council on February 26, 2018, at which time the Council heard arguments from legal counsel for Mailand and the City,

NOW, THEREFORE, based upon the evidence submitted and arguments made, the City Council of the City of West St. Paul makes the following findings:

FINDINGS

1. To the extent not restated herein, the Council hereby incorporates the recitals above into these Findings.
2. On September 25, 2017, when the City Council initially revoked the Rental License for the Property, it provided tenants approximately three months (97 days) to move out before the City would enforce the revocation.
3. The City notified the tenants, by letter dated September 26, 2017, that the City had revoked the Rental License for the Property.
4. On October 11, 2017, Mailand filed its Appeal. Mailand did not file a Motion for Stay of the Revocation with the City Council.
5. At the October 23, 2017 City Council meeting, the City Council heard from tenants and local housing rights advocates regarding the Rental License revocation.
6. Tenants informed the Council that Mailand had not notified the tenants of the Rental License revocation hearing prior to the hearing.
7. Ellen Baudler, Director of Housing Access for The Arc Minnesota in St. Paul, and James Albrecht, a social worker for Dakota County, both informed the City that, given the rental market, it was especially difficult for low-income individuals to find housing within a few months.
8. Based upon the citizen and community advocate comments, the City Council voted to amend the enforcement date to July 1, 2018, to provide tenants ample opportunity to seek new housing and to recognize the inherent difficulty of moving families with children during the school year. As a result, tenants have more than 9 months to potentially seek new housing. The City notified residents of the new enforcement date by letter dated October 24, 2017.
9. On February 5, 2018, approximately four months after the Council adopted the Resolution revoking the Rental License and after the Appeal had been fully briefed by the parties, Mailand filed a Motion to Stay the Revocation ("Motion").
10. Mailand seeks a stay because of the alleged financial hardship created by the City's revocation of its Rental License for the Property. Mailand requests a stay of the Revocation entirely. Mailand wants the ability to rent to new tenants during the pendency of the Appeal. Mailand has not proposed any conditions on its operation of the Property during the pendency of the appeal, which would serve to address the City's concerns regarding the continued operation of the Property as a rental during the appeal period.
11. Mailand currently has 13 vacant units at the Property and rental income has decreased since September 2017. Presumably, tenants have vacated due to the revocation and eventual

July 1, 2018 enforcement date, but Mailand has not presented evidence that the revocation is the direct cause of the vacancies. The Council finds that this Motion is untimely and that, as a result, the loss of income due to tenant departure is, in part, self-inflicted by Mailand.

12. According to Mailand, "Mailand Management has seen a \$13,545.86 profit in August turn into a \$7,262.22 loss in December." Mailand also complains of a proposed assessment of approximately \$4,030.00 against the Property for improvements to the adjacent roadway.
13. As a result of the above, Mailand admits that Mailand Management will likely have to reduce the budget for maintenance (e.g. painting, decorating, and major maintenance) and that the company will not be able to continue to provide all services for its current tenants. Mailand also asserts that Mailand Management will be unable to remove problem tenants in the future because such removal of a tenant without the ability to rent the vacated unit would mean increased financial hardship. From the evidence provided, Mailand is not properly capitalized to own and operate the Property as a rental.
14. In support of the Motion, Mailand argues that it has taken steps to address City concerns regarding the Property, such as implementing a 24-hour security presence at the Property. However, Mailand is utilizing the same 24-hour security company it was required to provide as a condition of its provisional licenses for its other rental properties in the near vicinity of the Property. Mailand's use of a security company at the Property is not a voluntary or proactive step taken by Mailand.
15. Mailand submitted the Affidavits of Marge Nauer ("Nauer"), Debbie Oster ("Oster"), and Frederick Oman ("Oman") who attest to the conditions and living environment of the Property as being safe and positive. Nauer, Oster, and Oman attest that they have not seen or personally experienced criminal activity, boisterous behavior, or illegal drug use at the Property. But Mailand admits that, since the license revocation, the Police have been called to the Property for drug activity and a disorderly conduct.
16. Mailand also argues that public safety calls have decreased and there have only been seven (7) calls in the approximately four (4) months between the revocation and the filing of the Motion. However, as Mailand acknowledges, during that time frame, occupancy has decreased by almost 50 percent (50%). Given the occupancy rate, the Council does not find that seven calls in four months is a significant improvement.
17. Mailand argues that "residents are left in a state of distress as they are not sure whether they will need to move." However, the City has provided notice that residents do, in fact, need to move and provided a deadline by which they must vacate the Property. The City's voluntarily imposed stay (to July 1, 2018) gave residents approximately nine (9) months to move. Current or new tenants, however, will not be adequately protected, in the event the City grants the stay. Giving tenants 60 days to move after resolution of the Appeal is deemed less than adequate, according to the housing advocates who testified at the October 23, 2017 City Council meeting. If Mailand is allowed to rent out the entire Property with no restrictions, residents of potentially thirty (30) units will be seeking new housing on

short notice under a time frame far less than the nine (9) months currently permitted by the City.

CONCLUSIONS

1. In making a decision on Mailand's Motion, the City Council must weigh Mailand's interest "in preserving the status quo, so that effective relief will be available if the appeal succeeds, against the interest of the public or the prevailing party in enforcing the decision and ensuring that they remain 'secure in victory' while the appeal is pending." *DRJ, Inc. v. City of St. Paul*, 741 N.W.2d 141, 144 (Minn. Ct. App. 2007).
2. The Council acknowledges that Mailand has an interest in preserving the status quo, so that it can continue to reap financial gain from the Property during the pendency of the Appeal. The Council does not agree that preserving the status quo for Mailand (operating at a profit) is necessary to prevent disrepair and breakdown of the condition of the Property. The Council already revoked the license due to the manner in which Mailand operated the Property. The Council will not effectively unwind that decision simply because Mailand argues that the situation will inevitably get worse. Mailand's argument is nothing more than an admission that the safety and security of its tenants are secondary considerations to its profit motive and that it is undercapitalized to properly manage the Property.
3. Mailand has not suggested or offered to add any conditions related to its operation of the Property during the pendency of the Appeal. Consequently, the City has not been provided adequate assurances as to the safety and security of the tenants which would enable the Council to consider approving Mailand's request, the focus of which appears to be primarily profit; not tenant safety and security.
4. City Code § 150.035 provides, in relevant part that:

The operation of rental properties is a business enterprise that includes certain responsibilities. Rental owners, operators, and managers are responsible to take such reasonable steps as are necessary to ensure that the citizens who occupy such rental units, as well as neighboring properties, may pursue the quiet enjoyment of the normal activities of life in surroundings that are safe, secure, sanitary, free from noise, nuisances and annoyances, and free from unreasonable fears about safety of persons and property.
5. Nothing in the City Code indicates that the duty of rental owners, operators, and managers, as set forth above, is dependent on "cash flow." The obligation exists, regardless of the financial ability of the owner. On the record before this Council, it is clear that Mailand has no intention of meeting its responsibility under City Code § 150.035.
6. The public and the City's interest favor denying Mailand's Motion to Stay. The public's interest and the City's interests are as follows:

- a. The very purpose of the City's rental code (Ch. 150) and business licensing structure (Ch. 110) are to protect the health, safety, and welfare of the public.
- b. The City has an interest in preserving the integrity of its rental code and ensuring accountability of businesses to meet their responsibilities under the Code.
- c. The City has an interest in enforcing the decision embodied in Resolution 17-80 and Mailand has provided no assurances to the City that during the pendency of the appeal it would address the concerns underlying Resolution 17-80.
- d. Finally, the current deadline of July 1, 2018 was specifically provided by the Council to allow tenants approximately 9 months to vacate. Mailand's proposed stay would only exacerbate the problem, potentially resulting in a far shorter window for 30 tenants (individuals and families) to vacate on a more indefinite time frame.

DECISION

NOW, THEREFORE, BE IT RESOLVED, by the West St. Paul City Council that, based upon the foregoing Findings of Fact and Conclusions, the City Council of West St. Paul does hereby **DENY** the Motion to Stay Enforcement of Resolution 17-80.

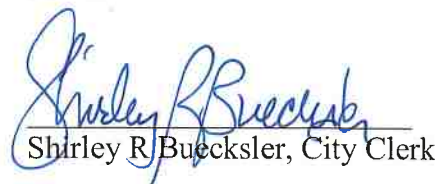
BE IT FURTHER RESOLVED that the current deadline for enforcement remains unaffected by this Decision and the City will commence enforcement of Resolution 17-80 on or after July 1, 2018.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 12th day of March 2018.



Jenny Halverson, Mayor

Attest:



Shirley R. Buecksler, City Clerk

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 18-35

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN
MENDOTA HEIGHTS, ST. PAUL, WEST ST. PAUL AND THE LOWER MISSISSIPPI
WATERSHED MANAGEMENT ORGANIZATION (LMRWMO)
REGARDING THE EROSION STABILIZATION OF THE CHEROKEE HEIGHTS
UPPER RAVINE AND INSTALLATION OF
TWO HYDRODYNAMIC SEPARATOR STORMWATER TREATMENT DEVICES**

WHEREAS, the Cities of Mendota Heights, Saint Paul and West St. Paul (“Partners”) previously entered into an agreement for the Erosion Stabilization Project Cherokee Heights Upper Ravine, approved in or around August and September of 2017 (“First Agreement”); and

WHEREAS, it is considered mutually desirable by the Partners and LMRWMO to stabilize the Cherokee Heights Upper Ravine and install two hydrodynamic separator storm water treatment devices (“Project”); and

WHEREAS, the LMRWMO has applied for and received a grant from the Minnesota Board of Water and Soil Resources of \$700,000 for the project; and

WHEREAS, the Partners and LMRWMO now intend to terminate the First Agreement and replace it with this agreement (“Agreement”); and

WHEREAS, the Partners and LMRWMO will share in the Project costs, responsibilities, and relate activities as set forth in this Agreement, and

WHEREAS, the City of Saint Paul is the lead entity on the Project, when the attached Agreement is executed; and

NOW, THEREFORE, BE IT RESOLVED by the West St. Paul City Council that the City execute the attached Agreement and forward it to the Cities of St. Paul and Mendota Heights and the LMRWMO for execution.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 12th day of March 2018.



Jenny Halverson, Mayor

Attest:



Shirley R. Bueckler, City Clerk

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 18-36

**AWARD BID FOR
2018 STREET IMPROVEMENTS PROJECT 18-1**

WHEREAS, pursuant to an advertisement for the 2018 Street Improvements Project, bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

Contractor	Base Bid	Alternate Bid	Total Bid Amount
McNamara Contracting, Inc.	\$2,861,686.55	\$144,294.00	\$3,005,980.55
Valley Paving, Inc.	\$2,979,130.22	\$140,496.57	\$3,114,182.07
Bituminous Roadways, Inc.	\$3,208,536.02	\$186,700.50	\$3,395,236.52
Park Construction, Inc.	\$3,307,459.75	\$136,745.55	\$3,444,205.30
Meyer Contracting, Inc.	\$3,364,839.79	\$130,150.13	\$3,494,989.92
Max Steininger, Inc.	\$3,966,453.09	\$212,561.40	\$4,179,014.49

WHEREAS, the Base Bid includes the 2018 Street Improvements Project and the City Hall Parking Lot Reconstruction and the Alternate Bid includes the Sports Complex Plaza Reconstruction; and

WHEREAS, it appears that McNamara Contracting, Inc. is the lowest responsible bidder of the base bid and alternate bid.

NOW, THEREFORE, BE IT RESOLVED by the West St. Paul City Council that:

1. The Mayor and Manager are hereby authorized and directed to enter into a contract with McNamara Contracting, Inc. for the Base Bid and Alternate Bid in the name of the City of West St. Paul for the 2018 Street Improvements Project according to the plans and specifications therefore approved by the City Council and on file in the office of the City Clerk.
2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 12th day of March 2018.

Attest:



Jenny Halverson, Mayor



Shirley R Bueckler, City Clerk

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 18-06

**AN ORDINANCE AMENDING
WEST ST. PAUL CITY ORDINANCE SECTION 72.05
REGARDING GENERAL PARKING RESTRICTIONS**

The City Council of West St. Paul does ordain:

SECTION 1. AMENDMENT. West St. Paul Zoning Ordinance Section 72.05 is hereby amended as follows:

§ 72.05 GENERAL PARKING RESTRICTIONS.

(A) Parking Restrictions for the Public Right-of-way

___(A1) *No parking, stopping, standing, bus stop zones.*

(~~1~~a) The City Council may, by resolution, designate certain streets or portions of streets as “no parking,” “no stopping,” “no standing” or “bus stop” zones and may limit the hours in which the restrictions apply.

(~~2~~b) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, no person may stop or park a vehicle in an established no stopping, standing or bus stop zone.

(~~3~~c) No vehicle may be parked in a no-parking zone during hours when parking is prohibited. No vehicle, except a bus, may be parked or standing in a bus stop zone.

___(B2) *Time limit parking zones.* The Council may, by resolution, designate certain areas where the right to park is limited during specified hours. No person may park a vehicle in any limited parking zone for a longer period than so specified on a posted sign.

___(C3) *Permit parking zones.* No person may park a vehicle in a permit parking zone without first obtaining and displaying the proper permit.

(~~1~~a) In order to establish a permit parking zone, 70% of the residents and/or businesses who have an address within the proposed permit parking zone must sign and file a written petition with the City Clerk containing the following information:

(~~a~~)1. The specific streets, blocks or area that should be included in the permit parking zone, with a map depicting the proposed permit parking zone;

(~~b~~)2. The hours during which the parking permit should be enforced;

~~(e)~~3. The necessity for the permit parking zone; and

~~(d)~~4. The printed names, addresses and signatures of 70% of the property owners or adult occupants of properties within the proposed permit parking zone. For purposes of calculating 70% only one signature shall be counted per property or per legal address.

~~(2)~~b) *Council consideration.* Upon receipt of a valid petition, the city shall notify all property owners and occupants, if known, within the proposed permit parking zone, as well as those property owners within 350 feet of the proposed permit parking zone of the date and time that the petition will be considered by the Council. After a hearing, the Council may approve, modify or deny the permit parking zone in order to protect the health, safety and welfare of the citizens of the city. If approved, a permit parking zone establishing the boundaries of the zone and hours of enforcement will be adopted by City Council resolution.

~~(3)~~c) *Permanent parking permits.* Upon application to the Police Department, owners and occupants who reside at a property address that is within an approved permit parking zone, may be issued a parking permit. The applicant must identify the vehicles to which the parking permit will be permanently affixed by make, model and license plate number, and pay the appropriate fee. The vehicles must register to the same property address for which the parking permit is being requested. Employees who park work vehicles at their residence may provide proof of residency at that address and proof of employment as sufficient documentation for a permanent parking permit. The parking permits shall be valid as long as the owner or occupant resides at the property that is within the permit parking zone.

~~(4)~~d) *Temporary parking permits.* Owners and occupants who reside at a property address that is in the permit parking zone may apply for a temporary parking permit on behalf of their guests. The applicant must identify the dates for which the temporary parking permit is requested, and pay the appropriate fee. the dates shall be listed on the temporary parking permit, which must be prominently displayed in the vehicle.

~~(5)~~e) The Council may establish appropriate fees by City Council resolution to recover the costs associated with consideration and implementation of a permit parking zone.

~~(D)~~4) *Prima facie violation.* The presence of any motor vehicle on any street when standing or parked in violation of this section is prima facie evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

(B) Parking Restrictions for Private Property

~~(E) Parked or stored motor vehicles.~~ The outside parking and storage on residentially-zoned property of large numbers of vehicles and vehicles, materials, supplies or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it: obstructs views on streets and private property; creates cluttered and otherwise unsightly areas; prevents the full use of residential streets for residential parking; introduces commercial advertising signs into areas where commercial

advertising signs are otherwise prohibited; decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood; and otherwise adversely affects property values and neighborhood patterns.

- (1) *Purpose.* The purpose of this section is to preserve and protect residential districts from the intrusion of objects of a size and appearance as to cause interference with sight lines, access to structures by emergency vehicles and personnel, unsightly clutter and to prevent visual obstruction that is inconsistent with the intent of the provisions of the zoning and subdivision ordinances.

- (2) *Definitions.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

RECREATIONAL EQUIPMENT or RECREATIONAL VEHICLES. Recreational equipment or recreational vehicles means any of the following:

- ~~1(a)-~~ Boats and canoes;
- ~~2(b)-~~ All terrain vehicles (ATVs);
- ~~3(c)-~~ Snowmobiles;
- ~~4(d)~~ Noncommercial utility trailers and trailers for the transportation of boats, canoes, snowmobiles and ATVs, or other such similar vehicles;
- ~~5(e)~~ Travel campers or house trailers;
- ~~6(f)~~ Motor homes and motor vehicles designed, constructed or used to provide temporary movable living quarters; or
- ~~7(g)~~ Slip-in camper tops attached or detached from pick-up trucks.

- (3) *Number of motor vehicles.* The owner or occupant of premises occupied as single-family residential may not maintain or keep more than four motor vehicles, including recreational vehicles, continuously parked or stored outdoors on public or private property. ~~All parking surfaces for the parking or storage of motor vehicles, including recreational vehicles, must be of concrete type or asphalt.~~

~~(4) *Parking Surfaces.* All parking surfaces for the parking or storage of motor vehicles, including recreational vehicles, must be of concrete-type or asphalt.~~

~~(45) *Recreational vehicles.*~~

- (a) No more than one non-oversized (less than 25 feet, as measured from the tongue to the rear) travel camper, house trailer, motor home, motor vehicle designed, constructed or used to provide temporary movable living quarters or slip-in camper top attached or detached from a pick-up truck may be parked or stored on single-family residential property.

- (b) No more than one non-oversized (less than 20 feet, as measured from the tongue to the rear) noncommercial utility trailer or trailer for the transportation of boats, canoes, snowmobiles and ATVs or other such similar vehicle may be parked or stored on single-family residential property.

(c) No recreational vehicle shall be permanently affixed to the parking surface in a manner that would prevent its removal.

(d) No recreational vehicle shall be used for living, sleeping or housing purposes, whether on public or private property.

(e) All recreational vehicles shall be in good, operable condition and properly licensed for operation.

(f) All recreational vehicles shall be registered to the property owner or occupant on which the recreational vehicles are stored.

(g) Noncommercial utility trailers that are loaded with a boat, snowmobile, ATV or similar vehicle shall be counted as one recreational vehicle (trailer plus vehicle) for purposes of calculating the total number of vehicles per premises.

(h) A travel camper, house trailer, motor home, motor vehicle designed, constructed or used to provide temporary movable living quarters or slip-in camper top attached or detached from a pick-up truck that is longer than 25 feet in length must obtain a special permit from the City Council to be parked or stored on residential property. No fee shall be required for such permit.

(i) Residents will have until January 1, 2017 to comply with divisions (E)(4)(a), (E)(4)(b) and (E)(4)(h) above. All other provisions shall require compliance upon adoption.

(56) Exterior storage of items other than a boat, snowmobile, ATV or similar item on a noncommercial utility trailer is prohibited.

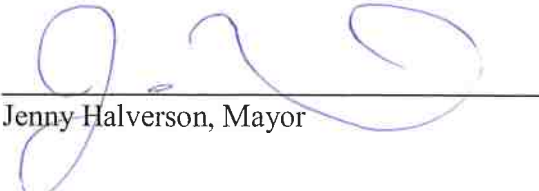
(67) No camp car, trailer, motor vehicle, tent or other temporary structure may be parked or placed upon any public street or on any public or private premises in the city and used as a shelter or enclosure of persons and their effects for the purpose of living therein.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance amendment removes the existing parking surface requirements from the section pertaining to number of vehicles by creating a new section.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this 12th day of March 2018.



Jenny Halverson, Mayor

Attest:



Shirley R. Bueckler, City Clerk

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO. 18-07

AN ORDINANCE AMENDING
WEST ST. PAUL CITY ORDINANCE SECTION 94.18
REGARDING UNSHELTERED STORAGE, JUNK, AND
INOPERABLE OR ABANDONED MOTOR VEHICLES

The City Council of West St. Paul does ordain:

SECTION 1. AMENDMENT. West St. Paul Zoning Ordinance Section 94.18 is hereby amended as follows:

§ 94.18 UNSHELTERED STORAGE, ~~OF~~ JUNK, AND INOPERABLE OR ABANDONED MOTOR VEHICLES.

(A) *General.*

(1) *Purpose.* The purpose of this section is to declare the unsheltered storage of inoperable, abandoned or junked automobiles and any other vehicles, machinery, implements, equipment, junk or personal property of any kind ~~which is no longer used for the purposes for which it was manufactured~~ or made to be a danger to the public health and safety. The use of tarps shall not be considered an acceptable form of shelter.

(2) *Declaration.* The unsheltered storage of these property items throughout the city tend to impede traffic in the streets, interfere with the enjoyment of and reduce the value of public and private property, invite plundering, create fire hazards and other safety and health hazards to children as well as adults, interfere with the comfort and well-being of the public, and create, extend and aggravate urban blight. The Council declares that, in order to protect the public health, safety and welfare from such conditions, these conditions must be regulated, abated and prohibited.

(B) *Prohibition of ~~Unsheltered~~ ~~Storage~~ and Junk.*

(1) *General rule.* No person may place, permit, store, allow, maintain or leave machinery, implements, equipment, junk or personal property of any kind, ~~which is no longer used for purposes for which it was manufactured or made,~~ upon an open space area of any premises located anywhere in the city.

(2) *Definition.* For purposes of this section, **JUNK** means worn out or discarded material ~~that is no longer used for the purposes for which it was manufactured or made,~~ including but not limited to, household appliances or parts, tools, building materials, tin cans, glass, furniture, mattresses, box springs, crates, cardboard, tires or any other unsightly debris, brush or materials,

the accumulation of which may have an adverse effect upon the neighborhood or property values, health, safety or general welfare of the public.

(C) Wood Storage.

(1) On residential zoned property no person shall keep or store wood or allow wood to be kept or stored outside on property owned or controlled by that person, unless said wood is kept or stored in compliance with the provisions of this section.

(2) The wood storage regulations of this section shall not apply to:

(a) Persons having property on which new construction is taking place and the wood on said property is used for said construction, unless the wood has remained on the property for more than thirty (30) days and is not a permanent part of the new construction at the end of that time; and

(b) Persons storing or keeping wood on property when said wood is stored within an enclosed structure which otherwise conforms to the zoning requirements of the district.

(3) Wood stored or kept in the city shall be stored or kept as follows:

(a) In neat and secure stacks (maximum of 4 stacks), each of which shall be no higher than five feet (5'); with the combined wood stacks not exceeding a volume equal to five feet (5') high by ten feet (10') wide by twenty five feet (25') long.

(b) Unless screened by a solid fence or wall, stacks shall not be closer than five feet (5') from the property line.

(c) The wood stacks shall not be infested or inhabited with rats, rodents, vermin, or insects noxious or dangerous to persons or property.

(d) The wood shall not be stored or kept in the front yard or yard that is commonly considered the front yard of any lot.

(e) Temporary storage of logs for up to thirty (30) days outside of the required areas of setback from the property lines and street is allowed for the purpose of cutting and splitting logs to a size usable in the residence's wood burning device.

(34) Public nuisance. A person who creates, maintains, permits or allows a condition on property in violation of this section will be deemed to have created a public nuisance subject to abatement as provided in City Code § 94.15 and other penalties described in this code.

(ED) Prohibition of ~~I~~noperable or ~~A~~bandoned ~~Motor~~ ~~V~~ehicles.

(1) No person may place, park, permit to remain, store or leave upon an open space area of any premises located anywhere in the city any inoperable or abandoned vehicle for more than seven days.

(2) *Exceptions.*

(a) In a residential zoned district, inoperable or abandoned vehicles may not be placed, parked, permitted to remain, stored or left for more than seven days unless the vehicle is kept entirely within an enclosed building.

(b) In a business or industrial zoned district, inoperable or abandoned vehicles may not be placed, parked, permitted to remain, stored or left for more than seven days unless adequately screened, or three days on a business or industrial property that is not an auto repair establishment. Adequate screening will require the keeping of the vehicles within a building, tight fence at least five feet in height, or within an earth-toned or neutral colored opaque cover that was specifically designed and manufactured for that purpose and which completely encloses such vehicle. Any inoperable or abandoned vehicle legally kept in a business or industrial zoning district for more than seven days must be at least 100 feet from a public highway or residential building.

(3) *Definition.* For purpose of this section, an ***INOPERABLE OR ABANDONED VEHICLE*** has the following meaning:

- (a) A vehicle that does not have valid current vehicle license and registration;
- (b) A vehicle that lacks essential parts that would render it operable; or
- (c) A vehicle that is in a rusted, wrecked, extensively damaged, partially dismantled or junked condition.

(4) *Notice.* If a vehicle fails to meet any of the above requirements, the owner or possessor of the vehicle will be responsible to remove the vehicle to a duly licensed junkyard or other authorized place of deposit or storage within ten business days of receipt of a written demand by the city. In the event the owner or possessor of the vehicle cannot be located, then it will be the responsibility of the owner of the premises to remove the vehicle to a duly licensed junkyard or other authorized place of deposit or storage within ten working days of receipt of the written demand by the city.

(5) *Impoundment of vehicles.* The city may take into custody and impound any vehicle or vehicles in violation of this section, following the expiration of the notice.

(6) *Disposition of impounded vehicles.* In all cases of impoundment described above, the city will serve a notice on the owner of the property, by registered or certified mail or by personal service, informing the owner of the right to reclaim the vehicles within 15 days of the date of the notice, and stating that in the event the owner does not reclaim the vehicle, the city may dispose or sell the vehicle. The owner or lienholder may reclaim the vehicle upon payment of all towing, storage and administrative costs by the city. If the vehicle is not reclaimed, it may be disposed of at auction or sale. The city will be reimbursed for towing, storing and

administrative costs from the proceeds of the sale. Any remainder must be held for 90 days and then will be deposited in the city's General Fund.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

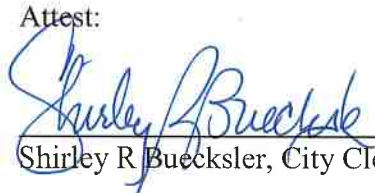
The ordinance amendment removes certain existing language pertaining to the definition of unsheltered storage/junk and adds new language pertaining to exterior wood storage.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this 12th day of March 2018.



Jenny Halverson, Mayor

Attest:


Shirley R. Bueckler, City Clerk

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 18-08

**AN ORDINANCE AMENDING SECTION 97 OF THE
WEST ST. PAUL CITY CODE REGARDING PREDATORY OFFENDERS**

The City Council of West St. Paul does ordain:

SECTION 1. West St. Paul City Code Section 97 relating to Predatory Offenders is hereby amended as follows:

§ 97.01 FINDINGS AND INTENT.

(A) Repeat predatory offenders, predatory offenders who use physical violence, and predatory offenders who prey on children and vulnerable individuals, are predators who present a threat to the public safety. Predatory offenders are likely to use physical violence or force and to repeat their offenses. Most predatory offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. Moreover, predatory offenders often learn and evolve as they commit additional offenses, thereby making detection of their unlawfulness more difficult for authorities. This makes the cost of predatory offender victimization to society at large, while incalculable, clearly exorbitant.

(B) It is the intent of this chapter to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the city by creating areas around locations where children ~~and vulnerable individuals~~ regularly congregate wherein certain predatory offenders are prohibited from establishing a primary or secondary address.

§ 97.02 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

DESIGNATED SEXUAL OFFENSE. A conviction, ~~adjudication of delinquency,~~ commitment under M.S. Ch. 253B, or admission of guilt under oath without adjudication involving any of the following offenses: Minn. Stat. § 609.342, subd. 1(a), (b), (g), (h); § 609.343, subd. 1(a), (b), (g), (h); § 609.344, subd. 1(a), (b), (e), (f), (g); § 609.345, subd. 1(a), (b), (e), (f), (g); § 609.352; § 617.23, subd. 2(1), subd. 3(1); § 617.246, subd. 2, M.S. §§ 609.342, 609.343, 609.344, 609.345, 609.352, 609.365, 617.23, 617.246, 617.247, 617.293, successor statutes, or a similar offense from another state.

PREDATORY DESIGNATED OFFENDER. Any person who (1) is required to register as a predatory offender under Minn. Stat. § 243.166, (2) is assigned at Risk Level II or Risk Level III under Minn. Stat. § 244.052, subd. 3, is required to register as a predatory offender under M.S. § 243.166, or and (3) has been convicted of a designated sexual offense, regardless of whether

the adjudication has been withheld, ~~in which the victim of the offense was less than 16 years of age. However, the terms do not include persons required to register based solely on a delinquency adjudication.~~

PRIMARY ADDRESS. The mailing address of the person's dwelling. If the mailing address is different from the actual location of the dwelling, primary address also includes the physical location of the dwelling described with as much specificity as possible.

SECONDARY ADDRESS. The mailing address of any place where the person regularly or occasionally stays overnight when not staying at the person's primary address. If the mailing address is different from the actual location of the place, secondary address also includes the physical location of the place described with as much specificity as possible. However, the location of a supervised publicly or privately ~~operated~~ shelter or facility designated to provide temporary living accommodations for homeless individuals as defined in M.S. § 116L.361, subd. 5, does not constitute a secondary address.

§ 97.03 RESIDENCE PROHIBITION; PENALTIES; EXCEPTIONS.

(A) *Prohibited location of residence.* It is unlawful for any designated offender to establish a primary address or secondary address within 1,200 of any of the following places:

- (1) Public or private school; or
- (2) Licensed child care facilities; ~~or.~~
- ~~(3) State licensed residential care facilities or registered housing with services establishments.~~

(B) *Prohibited activity.* It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this division.

(C) *Measurement of distance.*

- (1) For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the primary address or secondary address to the nearest outer property line of the places identified in division (A).
- (2) The City Clerk shall maintain an official map showing prohibited locations as defined by this chapter. The Clerk shall update the map at least annually to reflect any changes in the location of prohibited zones.

(D) *Penalties.* Any person violating any provision of this chapter shall be guilty of a misdemeanor or administrative citation and shall be punished as provided in this code. Each day a person maintains a residence in violation of this chapter constitutes a separate violation.

(E) *Exceptions.* A ~~predatory-designated~~ offender residing within a prohibited area as described in division (A) of this section does not commit a violation of this section if any of the following applies:

- (1) The person established the primary address or secondary address and reported and registered the residence pursuant to M.S. §§ 243.166, 243.167, or successor statute, prior to December 18, 2016.
- (2) The person was a minor when he/she committed the offense and was not convicted as an adult.
- (3) The person is a minor.
- (4) The school ~~or~~, licensed child care facility, ~~state licensed residential care facilities or registered housing with services establishment~~ within 1,200 of the person's primary address or secondary address was opened after the person established the primary address or secondary address and reported and registered the residence pursuant to M.S. §§ 243.166 or 243.167.
- (5) The residence is also the primary address and secondary address of the person's parents, grandparents, adult children, or spouse.

§ 97.04 RENTING REAL PROPERTY; PENALTIES.

(A) It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a primary address or secondary address by any person prohibited from establishing such primary address or secondary address pursuant to this chapter, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in § 97.03(A) of this chapter.

(B) A property owner's failure to comply with provisions of this section shall constitute a violation of this section.

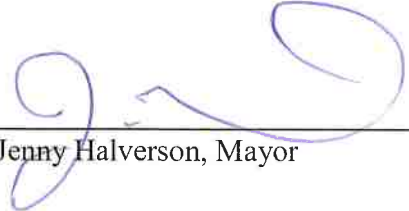
(C) If a property owner discovers or is informed that a tenant is a designated offender after signing a lease or otherwise agreeing to let the offender reside on the property, the owner or property manager may evict the offender.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The amendments to the ordinance, City Code § 97, address the concerns that the U.S. District Court for the District of Minnesota identified in its Order dated January 25, 2018, in *Evenstad v. West St. Paul*, No. 17-cv-4067. The amended ordinance prevents certain designated offenders from establishing a residence in the City that is within 1,200 feet of schools or licensed child care centers.


SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this 12th day of March 2018.



Jenny Halverson, Mayor

Attest:



Shirley R. Bueckler, City Clerk

Schools and Daycare Facilities In West St. Paul and Neighboring Cities with 1,200' Buffers

